

Application No.: 09/554,733

Docket No.: 22135-00005-US

REMARKS**Introduction**

Instant claim 1 has been amended in formal regards to insert a minimum density for the sponge cloth. Support for the instant amendment can be found throughout the specification and claims as originally filed, for example in the examples where the recited value is the lowest density reported. No claims have been added or canceled. No new matter has been added. Entry of the amendment and favorable reconsideration are earnestly solicited.

The Office Action

Claims 6-21 have been allowed. Claims 1-5 have been rejected under 35 U.S.C. 102(e) as allegedly being anticipated by WO 97/422259 to Chevalier et al as set forth in the previous office action. This rejection is respectfully traversed for at least the following reasons.

As previously pointed out, a sponge cloth obtained by an amine oxide process and the spongecloth disclosed by Chevalier do not have the same properties. In particular, the present claim 1 now recites a minimum preferred density which is above the highest permissible density for Chevalier, namely 100 kg/m^3 ¹. Thus, Chevalier does not anticipate claims 1-5 since the prior art does not contemplate the use of an amine oxide process as claimed by Applicant, and indeed, does not teach or suggest a density higher than 100 kg/m^3 .

Moreover, the only intrinsic solvent for cellulose disclosed in detail in WO 97/42259 (Chevalier) is aqueous sodium hydroxide. Solely in the discussion of the state of the art Chevalier mentions N-methyl-morpholin N-oxide (NMMO) as solvent for cellulose. But in this respect he states that "[o]nly fiber production from solutions of cellulose in NMMO has currently been completely mastered, in particular by Courtaulds who market the fibers under the trade mark Tencel®" (page 4, lines 3-5). Thus, Chevalier thus does not provide any motivation to

¹ Since Chevalier teaches a density of from $20\text{-}100 \text{ kg/m}^3$, Applicants' instant claims cover at least densities above those reported by Chevalier, if not literally, at least under the doctrine of equivalents. See Chevalier at page 21, l. ¾ of the WO publication.

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replace the aqueous sodium hydroxide solution (which is also employed in all of Chevalier's Examples) with an NMMO-solution.


Furthermore, Chevalier recommends a pre-treatment of the cellulose (page 6, l. 26, to page 8, l. 3). The pretreatment is accompanied by a degradation of the cellulose, *i.e.* the degree of polymerization (DP) is lowered, which has a negative effect on the mechanical properties of the final sponge article.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes a fee for a one month extension of time is due with this response and please charge this fee and any other fee(s) which are due or credit any overpayment to our Deposit Account No. 22-0185, under Order No. 22135-00005-US from which the undersigned is authorized to draw.

Dated: October 15, 2004

Respectfully submitted,

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